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UNCLAS SECTION 01 OF 20 VIENTIANE 000071

SENSITIVE

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SMIG, LA

SUBJECT: NINTH ANNUAL TIP REPORT FOR LAOS

REF: STATE 132759

11. (SBU) Summary. Laos is overwhelmingly a sending country for human trafficking, although on a small scale it is also a transit and receiving country, with some domestic trafficking victims in the commercial sex trade. The vast majority of Lao who seek work abroad, including those who are victims of trafficking, go to Thailand, where cultural and linguistic similarities and a larger economy help Lao find ready employment. Laos' trafficking problem is largely a matter of economics: Laos is among the poorest countries in Asia, and its poverty and high level of unemployed or underemployed youth provide a steady stream of laborers to Thailand. The global economic crisis may led to fewer legal employment opportunities in Thailand, but Post expects the bright lights and big cities across the border to continue attracting young Lao migrants, some of whom will become trafficking victims. While the Government of Laos (GOL) has put trafficking in persons high on its agenda, its efforts are hampered by a lack of resources, poor training for key officials, and an ongoing corruption problem. GOL efforts to address trafficking seem to be increasing, along with a willingness to work more closely with the international community, but there remains much to be done. End summary.

TIP REPORT RESPONSES

12. (SBU) Hereafter paragraphs are keyed to the paragraphs and questions in reftel, with the paragraph numbers from reftel given in roman numerals. The entire text of the 2009 TIP report for Laos is sensitive but unclassified (SBU).

XXIII. (U) THE COUNTRY'S TIP SITUATION:

-- A. What is (are) the source(s) of available information on trafficking in persons? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

Information on trafficking is available from the Ministry of Labor and Social Welfare (MLSW), Ministry of Public Security (MOPS), National Steering Committee on Trafficking, the United National Inter Agency Project Against Trafficking (UNIAP), and many international NGOs. Statistics in Laos are difficult to obtain, since there are few computerized systems in any agency or department. However, the GOL is seeking to improve its data

collection and has requested ongoing assistance from trained personnel in NGOs to help them organize their data. The GOL uses this data to monitor the trafficking situation, to report to international bodies, and to request additional assistance and funding from the international community. Data on the numbers of identified victims returning from Thailand, numbers in the shelters, and prosecution numbers appear to be accurate. Country-wide projections on migration, potential victims in Thailand and other such assessments are only estimates, however. The cited number of ongoing investigations in the provinces are minimum numbers as reported to the Ministry of Public Security, but law enforcement agencies are just learning to report to central authorities on trafficking (or other) criminal trends and may not report all cases under investigation in a timely manner.

-- B. Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children? Does trafficking occur within the country's borders? If so, does internal trafficking occur in territory outside of the government's control (e.g. in a civil war situation)? To where are people trafficked? For what purposes are they trafficked? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

Laos is almost exclusively a source country for human trafficking, with the vast majority of those trafficked going to Thailand. Because of the country's extreme poverty and low wages, few traffickers see Laos as a destination for their victims. (Lao

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factory workers earn between \$49-\$100 per month, while the minimum wage in Thailand is roughly \$150 per month.) Laos also serves as a transit country in a small number of cases, although the potential for further transit grows as road construction and other infrastructure projects accelerate, linking China, Vietnam, Thailand and Cambodia through Laos. Although much smaller in scope, internal trafficking is also a problem, almost exclusively with young women and girls falling victim to the commercial sex trade in urban areas. Post has seen no evidence of forced labor in Laos during the reporting period.

The World Bank in 2006 estimated that there were at least 250,000 Lao workers employed in Thailand, of whom 80,000 are unregistered according to the Thai Ministry of Labour. Over 20,000 workers have begun the process of applying for work permits. The Lao Ministry of Labor and Social Welfare puts the number of Lao workers in Thailand at 96,000, noting that most are there illegally. There are no generally accepted figures on how many of these persons are actually trafficked. Although some of these Lao are trafficked to Thailand, the majority go to Thailand on their own, following the advice of friends and relatives. Others use the services of middlemen to help them locate work in Thailand. The majority of migrant laborers-- and presumably the majority of trafficking victims-- originate from central and southern Lao provinces and Vientiane Municipality.

In 2008, 235 formally-identified victims of cross-border human trafficking were returned to Laos from Thailand, bringing the total number of victims repatriated to Laos under this mechanism since 2001 to more than 1300. An additional 21 were repatriated on 1 January 2009. Of those victims, 86% have been from the Vientiane capital or one of 3 southern provinces. However, almost all Lao government agencies, international organizations, and NGOs working in the trafficking sector note that the majority of victims are not formally identified. Most who return to Laos do so by crossing back and returning to their villages or to larger urban centers, largely without contact with authorities. The International Organization for Migration (IOM) and Agir pour les Femmes en Situation Precaire (AFESIP), a French NGO specializing in victims of sexual exploitation, both note that victims generally prefer to avoid Thai authorities and what is usually a stay of 5-8 months in the shelter in Thailand. Male victims are rarely formally identified or seek assistance from authorities or NGOs after returning to Laos.

-- C. What kind of conditions are the victims trafficked into?

UNICEF believes that there are four areas where Lao are most likely to fall victim to exploitative conditions: the southern Thai fishing industry (for men), prostitution, domestic labor, and factory work (for women). Most Lao working illegally in Thailand do so in Bangkok (especially in factories, domestic labor and prostitution), with a smaller number working in the northeast (prostitution and migrant farm labor).

Some Lao who seek work in Thailand fall victim to the worst forms of trafficking; the majority of these victims are females, but males are also victims, especially of exploitative labor.

-- D. Vulnerability to TIP: Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)?

The groups most vulnerable to the worst forms of trafficking are minors, especially girls, and highland minorities from Laos' interior. While the UN Interagency Project on People Trafficking (UNIAP) believes the number of minorities trafficked to Thailand is small, minorities are far more vulnerable to exploitation than are lowland Lao because of their lack of Thai language skills and overall unfamiliarity with Thai society. UNIAP studies show that the majority of formally-identified victims of trafficking are girls between the ages of 12-18, from rural but not remote or extremely poor areas, belonging to the lowland Lao or Tai ethnic group (approx. 66% of the population), with some basic education. A 2004 IOM study adds that most were employed in domestic labor and factory work (only 6 of the 124 surveyed by IOM were employed in the sex industry), and most had been deceived about the conditions, but not

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the type, of work they went into. Other studies suggest that one-fifth to one-third of trafficking victims were employed in the sex industry.

-- E. Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to approach victims? For example, are they offered lucrative jobs, sold by their families, or approached by friends of friends? What methods are used to move the victims (e.g., are false documents being used?). Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

Most NGOs believe the majority of trafficked persons become victims once they reach their destinations, particularly at their places of employment, rather than during the migration process itself. According to information from NGOs, the government, or in the literature reviewed here, there were no cases of kidnapping, very few cases reported of the "sale" of minors by parents or other figures to traffickers, and few cases of pressure to migrate from parents during the reporting period.

The prevailing people-smuggling mode in Laos remains transportation to a job in exchange for payment up front. Lao people in lowland areas are anxious to obtain work abroad and are willing to pay smugglers and traffickers to assist them in seeking work, especially in neighboring Thailand. Generally smugglers and traffickers fit no particular profile. Aside from the Thai employers who traffic the victims when they reach their destination, most cross-border traffickers are probably Lao nationals with experience in assisting cross-border labor movements. There are also some Thai traffickers operating in Laos intermittently. Some recruiters and smugglers of people are helping fellow villagers, even family members, to migrate, while others probably make trafficking a full-time business.

Brokers' fees varied widely, from as little as 500 baht (about \$14)

to as much as 30,000 baht (\$860). The majority, however, paid between 2,500-7,000 baht (\$70-\$200) in broker fees, if they used one.

According to Norwegian Church Aid, many migrants borrow money from "those who transport them" or from neighbors to finance the travel. This suggests a vulnerability from indebtedness that can lead to subsequent exploitation. Initially, migrants may go on their own or be hired by agents, but many would try to help the migration of friends or relatives once they had arrived at their destinations. Young people would rather rely on informal networks of friends or relatives than agents for transport, accommodation, and employment. Younger children who do not have these networks, or travel without informing their families, are those most likely to rely on agents or solely on themselves, and are hence most at risk from traffickers.

One August 2006 study by the UN notes that adult men and boys are more likely to be traveling with friends, to known destinations, without "help" from middle-men. Conversely, women tended to be younger, more likely to rely on agents which often involved incurring debts, less likely to know where they were going, and more likely to migrate alone or with only a few friends.

False documents have sometimes been used to transport people from Laos to other countries but have not been needed to enter Thailand. Border crossing cards are easily obtainable; they are only valid for a few days' travel and only for specific Thai provinces, but once across the border the holders easily ignore these restrictions. Many Lao entered Thailand without documentation, usually crossing the Mekong River by boat or traveling across an unmonitored land border.

Most Lao learn of work opportunities in Thailand by word of mouth, from those who have made the trip and returned, and in many cases from friends and family members. In at least some cases, particularly of young women involved in prostitution in Thailand, the women themselves act as recruiters for others when they return

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from the authorities, returned across the border again seeking work in Thailand. Furthermore, they apparently acted as "magnets" for their peers, perhaps with the assumption that, having fallen victim once, they are now in a better position to avoid those situations and help others do the same. The Director of the Lao Women's Union (LWU) shelter confirmed this trend, noting that, even after counseling and vocational training, many victims still cannot find employment in Laos and choose to return to Thailand. NGOs working to assess reintegration efforts report the same trends of re-migration after return.

XXIV: (U) SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

-- A. Does the government acknowledge that trafficking is a problem in the country? If not, why not?

The GOL acknowledges trafficking as a problem at the highest levels and has made combating trafficking in persons a national priority, within its limited means. The GOL acknowledges human trafficking is a significant problem in Laos, threatening national security, economic development, and the welfare of the people. The Deputy Prime Minister, who is also Minister of National Defense, chairs the Government's anti-trafficking committee.

-- B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

Laos is a member of the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) process, established in 2004, and under that umbrella the GOL has established a Ministerial-level National Steering Committee on Trafficking. This committee is chaired by the Deputy Prime Minister, who is concurrently the Minister of National

Defense. The Secretariat of that organization is presided over by the Director of Investigations, Ministry of Public Security (MOPS). (Note: In November 2008, Laos hosted the annual Summit of Ministers (SOM 6) under the COMMIT process.) The Ministry of Labor and Social Welfare (MLSW) has the lead in trafficking prevention, as well as victim's assistance and reintegration. MOPS has the lead on investigations and arrests, while the Ministry of Justice (MOJ) and the Public Prosecutor's Office manage the criminal process. The LWU, a broad-based Party mass organization, has been involved in anti-trafficking efforts since the mid-1990s. The LWU has been active, within its limited means, in protection and prevention work and currently runs a shelter in Vientiane for victims of domestic abuse, sexual exploitation, and human trafficking. During the reporting period, the LWU has also worked to monitor victims' reintegration in certain targeted districts. The Ministry of Foreign Affairs (MFA) chairs a regular meeting with all relevant GOL offices and all the NGOs and international organization in the sector to coordinate activities, in addition to facilitating meetings with counterparts in Thailand, Cambodia, Vietnam, and China on regional trafficking matters. All of the GOL agencies listed above are represented on the Ministerial Steering Committee. The Lao Youth Union, Federation of Trade Unions, and Ministry of Education also play roles in educating potential trafficking victims. Public awareness campaigns and journalism training - both of which have received significant attention in the reporting period - are run with the assistance of the Ministry of Information and Culture, which controls the Lao media and acts as gatekeeper for foreign media and all semi-private media content.

The GOL also works on the issue of trafficking with neighboring countries. The Lao and Thai governments signed an anti-trafficking Memorandum of Understanding (MOU) in mid-2005 that established a framework for cooperation between the two governments. A Lao-Thai Joint Action Plan to Combat Human Trafficking was completed in late 2006. IOM has been a key supporter of Lao-Thai efforts to implement all elements of the bilateral MOU. The February 27, 2007, signing of an MOU between the GOL and IOM has allowed IOM to establish a presence in Laos and to work more closely with the GOL on

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implementation. Negotiations between the GOL and Government of Vietnam began in November 2008, with the intention of signing an MOU on trafficking and victim repatriation.

-- C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

Lack of resources is the biggest impediment to the government's ability to address trafficking problems directly. The GOL is largely dependent on the donor community to fund anti-trafficking activities, just as it depends on international donors to fund public activities in almost every sector. Currently, 86% of the government's public investment budget comes from foreign donors and official development assistance. Because the GOL considers trafficking to be a significant threat to the country, and recognizes its own lack of resources, it has partnered with international NGOs and donors to carry out anti-human trafficking activities (under close scrutiny). For example, the LWU Shelter is funded mostly from international or NGO assistance, and the GOL depends on IOM and AFESIP to provide long-term assistance for immediate needs and reintegration. Village Focus International opened another shelter in October 2008, with the active assistance and approval of the local MLSW office. The GOL does fund the transit center in Vientiane, where identified victims of trafficking returned from Thailand remain for approximately one week while authorities conduct family and victim assessments to determine if the victim wants to return home or move to another shelter.

However, international donors and NGOs are not allowed to define and carry out projects independently. The GOL remains an authoritarian government jealous of foreign attempts to interact directly with the population or "meddle" in government affairs, from the media to social services to law enforcement. It takes one to two

years for an NGO to get an MOU approved, and the NGO must have the sponsorship of a Lao government agency or Party organization. In short, the GOL depends on NGOs to resource many trafficking initiatives, but the GOL retains control over the content, location, purpose, and eventual outcome of the project. This oversight occasionally causes delays in programs when the NGOs have funding available, but cannot begin to spend it without the MOU in place. All NGO activity is carried out as a direct result of GOL policy and approval. NGOs sources have stated that over the last two years, they have found that the GOL is increasingly cooperative, forthcoming and amenable to all projects related to trafficking --but it can still take more than a year to complete the paperwork to initiate a new project. In at least one case, an NGO has been able to 'short circuit' the interminable MOU process via direct intervention by the Prime Minister's office to get an anti-trafficking program started in Savannakhet province.

In addition, Lao law enforcement suffers from lack of resources and funding across the board, including in the trafficking arena. There are only about 10,000 police officers in a country of 6 million people. Police do not have computers, databases, or other technology to quickly gather data and transmit it to central authorities. While Australia and UNODC have begun to work with law enforcement specifically on trafficking issues, there is no international donor or NGO that can step in and take the reins on basic police and judicial business such as investigations, arrests, and prosecutions. This sector is therefore one of the most under-resourced, and will likely remain that way, in the trafficking fight.

Corruption is another serious problem: it is endemic in Laos, where civil servants' salaries are usually \$35-\$60 per month. GOL officials are susceptible to involvement in trafficking in persons, trafficking of narcotics and wildlife, illegal logging, and illegal activities.

The Lao-Thai border is extremely porous, and Lao going to Thailand can easily avoid official scrutiny. Post has not received any specific reports of actual trafficking cases involving government complicity or particular officials colluding in human trafficking during the reporting period, from NGOs or other sources. However, low salaries and widespread accounts of official corruption make

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some such cases of involvement likely.

Poor human resources pose yet another problem. Few Lao officials have the knowledge base or skills to carry out their jobs at international standards. One NGO stated that it believes the MOU delays are caused in part because the GOL lacks sufficient capable staff to oversee the NGO's daily activities, and that MOUs are delayed until the relevant government staff members are released from other projects.

A weak judicial sector and the population's general reluctance to use the court system make it difficult to investigate charges of either internal or cross-border trafficking. Rather than resorting to the formal legal system, most Lao, of all ethnicities, prefer to rely on village mediation and respected local authorities to settle disputes. Many victims of trafficking likely do not understand what resources are available to them in the judicial sector, even if the local officials in their areas have received training on human trafficking investigation and enforcement procedures.

For example, the Lao Bar Association (LBA) has only 93 members, and half of them are without formal legal training. Legal aid clinics in and outside of Vientiane began in June 2007 with funding from The Asia Foundation and have continued to expand during 2008, but have made little headway in raising awareness about the role of lawyers in protecting society. Moreover, the LBA still does not have the resources to handle the few cases that are brought to its attention. The LBA is currently assisting 10 victims of human trafficking through their aid clinic.

Many donors believe that resources for anti-trafficking should be focused on victim assistance, education and reintegration rather than on law enforcement. The UN Office for Drug Control and Crime

(UNODC) and the Asia Regional Trafficking in Persons Project (ARTIP), an Australian effort, run local and regional training programs with MOPS, MOJ, and Public Prosecutors offices. They are among the few organizations working directly with law enforcement efforts, leaving that segment of the trafficking problem with fewer resources, capabilities, and international attention.

Laos is only beginning to develop rule of law; the justice system is inefficient; and poor conditions in the penal system have raised serious human rights concerns in the international community. Given the nature of the Lao regime, calls for more police powers are inimical to USG political values, and pressure for heightened levels of police activity must be very carefully considered. In the meantime, international efforts to bring professional skills and capacity to Lao investigation and prosecution authorities continue.

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

Statistics in Laos are notoriously unreliable and difficult to find. However, the GOL understands that ongoing international assistance and monitoring require that the GOL collect more information to better understand the trafficking situation and evaluate new programs. The MLSW, for example, completed a comprehensive study of 250 child victims in 2007, looking at their homes, trafficking routes, jobs, health, and education. As part of the COMMIT process, MOPS is collecting data - and sharing it with the international community - on trafficking arrests and investigations under the new Article 134 of the penal code. (NOTE: Initial results of this data collection effort, covering prosecutions from January - August 2008 in 3 large provinces, was shared with Embassy Vientiane's trafficking in persons officer and included details such as the names and sentences of the traffickers. MOPS is working to collect information from the remaining provinces, with training and computer support from ARTIP. End note.) The LWU and MLSW keep track of the numbers of victims in the transit shelter and LWU shelter. The GOL has signed MOUs with IOM, World Vision, AFESIP and others to work on programs to protect victims, and usually gathers data on trafficking patterns and the victims as part of the work of these NGOs. The

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National Plan of Action (NPA), drafted with the assistance of the international community, is the first in the region with specific metrics for evaluation. The Prime Minister is expected to approve the final draft of the NPA in early 2009.

Laos reported on national efforts to combat trafficking from prevention to protection to prosecution, at the November 2008 SOM 6 conference on trafficking under the COMMIT process. (The other 5 members of SOM 6 are China, Burma, Thailand, Cambodia and Vietnam.) The entire event was open to registered observers from international organizations and embassies who expressed an interest in attending. The event was also widely covered in the Lao press. In addition, the GOL makes no apparent effort to ask that NGOs collaborating in this sector keep information confidential. Members of UNIAP's regular NGO-GOL working group regularly compare statistics, data, and information.

XXV: (U) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

-- A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both for sexual exploitation and labor? If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language [actual copies preferable] of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt). Does the

law(s) cover both internal and transnational forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

-- B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual exploitation?

-- C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor? If your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to trafficking in the destination country? If your country is a destination for labor migrants, are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service?

(A, B, and C answered together.)

Laos has a law specifically prohibiting human trafficking, for both sexual and non-sexual purposes.

In 2006, Laos enacted the revised Article 134 of the penal code specifically to address human trafficking, and to reinforce and clarify earlier provisions of the criminal code that had mentioned human trafficking. The law went into effect in early 2007, with the first arrests in March 2007 and the first successful prosecution in November 2007. The text of this and other relevant laws on human trafficking and treatment of victims follow below. (Note:)

Begin Text:

Article 134: Human Trafficking

Human trafficking is the seeking, concealing, transporting or taking of people within or from other countries by means of deception, fraud, threats/intimidation, duress, financial constraints or other means for the purpose of labor exploitation, prostitution,

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dissemination of pornographic material or other purposes contrary to national culture, or removal of body organs for the purpose of making illegal gains.

The above mentioned actions performed on minors/children under 18 years of age will be considered as human trafficking even in the absence of deception or fraud, intimidation, duress or financial constraints.

Any person performing infractions in the category of human trafficking shall be punished by privation of liberty for a period of five to fifteen years and shall be fined an amount of 10.000.000 to 100.000.000 Kip [note: USD 1,169 to 11,690] and shall have their assets confiscated according to Article 32 of this law.

In the case with infractions performed habitually, performed as an organized group, the victim is a child/minor, the victim is two or more people, the perpetrator is a close relative, or the victim is seriously injured, is physically maimed or has lost mental faculties, the perpetrator performing the infraction in the category of human trafficking shall be punished by privation of liberty for a period of fifteen to twenty years and shall be fined an amount of 100.000.000 to 500.000.000 Kip (note: USD 11,690 to 58,470) and shall have their assets confiscated according to Article 32 of this law.

In the case where the offence results in the victim being

permanently disabled, contracts AIDS or results in the loss life, the perpetrator as a human trafficker shall be punished by privation of liberty for life imprisonment and shall be fined an amount of 500.000.000 to 1.000.000.000 Kip (USD 58,470 to 116,950) and shall have their assets confiscated according to Article 32 of this law or shall be executed/sentenced to death.

When the offence is in the category of trafficking women or children the law on the Promotion/Development and Protection of women can be applied.

Preparation to commit, attempt such infractions shall be punished.

End Text.

As noted, the Law on Women, passed by the National Assembly in September 2004, contains provisions dealing with trafficking including sections defining the rights of trafficking victims, in addition to the same penalties and definitions of human trafficking that were later included in penal code Article 134. Those specific provisions on victims' rights and protections are listed below. Note that Article 28 includes paragraphs requiring that Lao government officials at embassies and consulates abroad assist Lao victims, and Lao government agencies in Laos assist foreign victims. Both are charged with working with foreign countries to assist in prosecutions.

Begin text of Lao Law on Development and Protection of Women:

Article 25. Rights of Victims

A victim means a person who has suffered from trafficking in women and children. Victims have the following rights:

1. To ask for assistance from any individual who is nearby;
2. To notify police officers;
3. To testify and present evidence relating to the case, to concerned officers;
4. To request for compensation, to be rehabilitated and to be reintegrated into the society;
5. To receive protection and care to ensure personal safety;
6. Not to be prosecuted and detained on any charge of trafficking in women and children, prostitution, [or] illegal immigration;
7. Not to be photographed, [and] not to have any video recorded or broadcast, where such would affect personal honour;
8. To receive suitable assistance in the form of shelter, food, clothes, medical services, vocational training, repatriation and others;
9. To have other rights according to laws and regulations.

Article 26. Duties of Society

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Individuals or organisations that discover victims of trafficking in women and children or receive data or information concerning such trafficking shall report to the village administration, the police or other concerned authorities, and shall, at the same time, give assistance to victims. Party and State organisations, the Lao Front for National Construction, mass organisations, social organisations and families shall disseminate information and educate so that the whole society becomes aware of the acts and impact of trafficking in women and children in order that women and children stay vigilant and not fall victim to such trafficking and be active in combating and preventing [such trafficking].

To combat and prevent trafficking in women and children, the government establishes a national committee for prevention of trafficking in humans.

Article 28. Assistance by Officers to Victims

During the process, police officers must cooperate with concerned counterparts such as doctors, social workers and other parties in order to give necessary and urgent assistance, to provide medical treatment and counseling services to the victims and to send them to safe shelter. In the case where the victims are children, there shall be special treatment to restore [their] physical and mental health and to provide assistance to [meet] the specific needs of the

children, in order to ensure that those children have guardians and to help them to return to their family and society.

In the case of victims abroad who are Lao citizens, the concerned Lao embassy or consulate shall give necessary and urgent assistance to the victims, especially safety and social welfare, and shall co-operate with concerned officials of that country in order to prosecute offenders, and the victims shall be repatriated thereafter.

In the case of victims in the Lao PDR who are citizens of foreign countries, in addition to implementing the third paragraph mentioned above, Lao officials shall cooperate with the embassy or consulate of the victim's country in the Lao PDR through the Ministry of Foreign Affairs in order to repatriate the victims.

End text.

The Law on the Protection of Children's Rights, enacted on December 27, 2006, echoes the definition and penalties for trafficking that are in Article 134, further states in Article 89 that sexual intercourse with a child under age 15 is against the law, and "Any individual who offers, receive an offer, recruit or provide children under 18 years old to serve as prostitute is deemed to have committed a crime and shall be imposed a punishment by applying (new) Article 134 of the penal code."

These laws were vetted by NGOs, including those active in anti-trafficking. A U.S. Deputy District Attorney working with the Department of Justice's Overseas Prosecutorial Development Assistance and Training (OPDAT) Program also vetted the draft of the Law on Women, parts of which were later incorporated into penal code's Article 134. The Lao penal code also has additional provisions against prostitution, procuring, kidnapping, and selling persons. There are also other statutes forbidding coercion and depriving people of wages.

-- D. What are the prescribed penalties for rape or forcible sexual assault?

The penalty for rape or forcible sexual assault under the Lao penal code, Article 119, is three to five years imprisonment. Abduction is punishable under Article 92 by five to fifteen years imprisonment. Rape of a minor is punishable by seven to 15 years, prostitution by up to one year, and pimping by up to three years. Some of these statutes have been used against traffickers prior to the passage of Article 134. The legal age of consent in Laos is 15.

-- E. Law Enforcement Statistics: Did the government prosecute any cases against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if

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relevant and available. Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). If in a labor source country, did the government criminally prosecute labor recruiters who recruit workers using knowingly fraudulent or deceptive offers or by imposing fees or commissions for the purpose of subjecting the worker to debt bondage? Did the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents for the purpose of trafficking, switch contracts or terms of employment without the worker's consent to keep workers in a state of service, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of

service? What were the actual punishments imposed on persons convicted of these offenses? Are the traffickers serving the time sentenced? If not, why not?

The GOL did investigate and prosecute cases of human traffickers under Article 134 of the criminal code during the reporting period. Cases of labor recruiters found to use force, fraud or coercion were prosecuted as human traffickers. According to information from the Supreme People's Court, 15 people were convicted for human trafficking in 2008. While we do not have sentencing information for all 15 cases, MOPS provided data on three cases: one trafficker was sentenced to 15 years imprisonment and fined, and two were sentenced to one year imprisonment and fined. All three are currently serving their sentences. MOPS sources informed EmbOff that they are in the process of collecting nation-wide data, and hope to have it available early in 2009. There were 53 ongoing investigations, as of December 2008. The government-controlled press regularly reports on specific arrests related to human trafficking as a warning to both traffickers and potential victims.

-- F. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

The GOL does provide training on human trafficking to officials, sometimes using NGOs and international organizations in addition to sessions run by GOL agencies. Examples during the reporting period include six workshops for training MOJ and law enforcement officials about the legal foundations of fighting human trafficking (provided by UNODC, June 2007-December 2008); quarterly workshops led by the Lao Tourism Authority on how to recognize possible child trafficking cases (jointly with Childwise and the Lao Tourism Police); technical assistance training of MOPS and LWU on data collection and monitoring skills (provided by UNICEF); MLSW workshops on the Lao-Thai MOU and protection of Lao workers (February and December 2008); a series of seminars on how to implement human trafficking laws across the region for MOJ and LWU (funded by UNIAP and ARTIP); People's Supreme Court, Public Prosecutors, and MOPS training of village chiefs and district officials on investigations involving children; MLSW teams training district and village officials on safe migration and trafficking risks; Lao Bar Association and MOJ disseminating information on the trafficking laws and victims rights to nine provinces (June 2007-May 2008); UNIAP programs at the National University to educate students on the dangers of trafficking in September and December 2008; and a National Conference on the Prevention of Human Trafficking in September 2008.

--G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

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The GOL does cooperate with other agencies, particularly Thai police, to investigate and prosecute trafficking cases. Post does not have information on the total number of such international investigations, although anecdotal press reports suggest that almost all trafficking cases begin with information from victims coming from Thailand. However, according to The Asia Foundation, cross-border investigations are hampered by lack of technical resources and information. The formally-identified victims who are repatriated to Laos - roughly 235 last year - have folders of case information that are sent to the Lao authorities at the time of the repatriation. The information is usually hand-written in Thai, and Lao officials often cannot read the handwriting, leaving thousands of pages of documents on specific, identified cases sitting in archives.

During the reporting period, at least 6 Vietnamese women were rescued by Savannakhet provincial units of the Anti-Trafficking

Police and referred to two NGOs for medical checks, counseling, and temporary shelter. Four victims chose not to cooperate on prosecuting the traffickers, and were repatriated back to Vietnam. Two victims are still in temporary shelters in Laos, with the investigation continuing. This process of repatriating Vietnamese at the local level is still informal, pending the signing of the Laos-Vietnam MOU on trafficking and repatriation, but appears to be working well along the Vietnam-Laos-Thailand highway corridor.

The GOL regularly hosts meetings at the central and provincial level to consult with counterparts on human trafficking with both Thailand and Vietnam.

-- H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

Laos has extradition agreements with Vietnam, Thailand, and Cambodia. Post has no information on whether such extraditions occurred during the reporting period.

-- I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

There is no evidence of GOL involvement in trafficking on an institutional level, nor have specific human trafficking cases been reported to the Embassy through NGOs or other sources of information involving individual Lao officials during the reporting period. However, at the local level, observers believe it almost certain that some officials are involved in facilitating trafficking, sometimes in collusion with their Thai counterparts. These local Lao officials may be complicit in the smuggling and have probably been aware of the intentions of those traveling to Thailand. There is also evidence that border officials permit smuggling of all kinds, and presumably this includes humans. However, the majority of Lao victims are trafficked once they reach their destination in Thailand, making it even less certain how many - and to what extent - Lao officials are involved in the human trafficking trade as opposed to smuggling.

-- J. If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

GOL officials are susceptible to involvement in trafficking of

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narcotics and wildlife, illegal logging, and illegal activities, in addition, potentially, to trafficking in persons. Post has not received any specific reports of actual trafficking cases involving government complicity or particular officials colluding in human trafficking during the reporting period, from NGOs or other sources. However, low salaries and widespread accounts of official corruption make some such cases of involvement likely. Embassy Vientiane has no reports of government officials disciplined or punished for involvement in human trafficking. However, low salaries and widespread accounts of official corruption make some such cases of involvement likely.

-- K. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel

owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

Prostitution is illegal in Laos but in practice is widespread, and authorities have usually made few efforts to halt it. Lao law prohibits foreigners from engaging in sexual activity with Lao citizens outside of marriage, and foreigners are regularly fined, and occasionally arrested, under this law. Both sex workers and clients are usually Lao. During the reporting period, six Vietnamese women were rescued from the commercial sex trade by the Anti-Trafficking Police. See para G above. Although they refused to cooperate on the prosecution side, NGO workers assisting them say that their clients were primarily Vietnamese, using the new highway connecting Vietnam and Laos.

The government periodically moves to shut down establishments, such as bars, nightclubs and discos, where prostitutes operate. For example, during the reporting period, AFESIP noted a marked increase in police surveillance of "corner beer shops" known for providing commercial sex workers in both Savannakhet and Champassak provinces.

Many of those shops have since shut down or appear to have exited the commercial sex trade. In one specific instance in Luang Prabang, AFESIP reported a case of possible internal trafficking (underage prostitution) to local police, resulting in the arrest of one alleged trafficker and the closure of two beer shops. Anecdotal evidence suggests police in Vientiane Municipality have not been as active against the smaller shops, although they occasionally raid larger nightclubs. Nevertheless, extreme poverty and lack of viable economic opportunities for young people ensure a perpetuation of prostitution in spite of anti-prostitution laws and occasional government campaigns.

The majority of establishments offering sex workers - discos, bars, beer shops and restaurants - charge the guest a fee to take the sex worker out of the establishment. Fees usually range from 2 to 4 USD. The actual fees for sexual services are generally arranged between the sex worker and the client. Drinking establishments and guest houses frequently have prostitutes available, sometimes as employees and sometimes freelance. The activities of owners/operators of establishments with prostitutes are also criminalized, as are those of clients. Although prostitution laws are often not enforced, some researchers feel that increased enforcement by the GOL would actually result in negative consequences - prostitutes going underground and being more likely subjected to abuse; as well as greater likelihood of increased low-level GOL officials involved in the prostitution trade.

-- L. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

Laos does not contribute troops to international peacekeeping efforts.

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-- M. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries

to engage in child sex tourism?

Sexual relations between foreigners and Lao citizens, of any age, outside marriage are prohibited by law, and police routinely fine foreigners who are suspected of the crime. Sex with a minor under age 15 is also illegal. While there is no hard evidence that Laos has a significant problem with child sex tourism, either as a destination or a source country, government officials, consular officers, and NGOs all believe the trade is likely to grow, given additional enforcement of child sex tourism laws elsewhere in the region and the growing interest in Laos as a tourist destination.

Tourism in Laos has grown from less than 900,000 visitors in 2004 to over 1.8 million visitors in 2008. Over 55% of those tourists are from Thailand, with another 23% coming from other Asian countries, according to 2007 statistics. "International" tourists (from Europe, Australia and the Americas) make up the remaining 22% of tourists coming to Laos.

This increase in tourism and the child sex tourism problems elsewhere in the region have attracted the attention of Lao authorities, who are attempting to prevent child sex tourism from taking root in Laos. At the November 2008 COMMIT Summit, for example, Lao officials presented their plans for working in coordination with the tourism sector to prevent the problem from developing in Laos.

With laws criminalizing sexual exploitation of children, Laos has strong legal codes in place. The government has called on traditional anti-trafficking agencies - MOPS, MLSW, Ministry of Justice - to work with the Lao National Tourism Authority to combat the problem. Already many major international hotels, tour operators, minivan drivers, and other related agencies in Vientiane, Champassak, and Luang Prabang - the biggest tourism destinations - have posters created by Childwise prominently displayed in bars and lobby areas, and on bumper stickers. UNESCO and Save the Children created a radio campaign in several local ethnic languages at the behest of the MLSW to increase awareness of the problem. (Note: Radio reaches over 80% of the Lao population, the largest reach of any medium in Laos.) Animated cartoons and videos created by IOM, Save the Children and UNICEF are distributed by the Lao Youth Union and in schools and other centers that attract youth. Tourism sector employees are receiving training to report suspicious behavior, including quarterly seminars jointly hosted by the GOL and NGOs in major tourist destinations throughout the year. The June 2008 seminar included strategies for evaluating the success of the previous year's training, and solicited ways of improving and expanding the training. Training of tourist police also continued during the reporting period.

The guidelines given to police and tourism workers state that protecting children from child sex tourism and child labor abuse in the tourism industry is a primary objective for the tourism police. Laos has a telephone number available to report incidents, although Post has no information on specific cases reported through this mechanism. However, given the shortage of resources and training of law enforcement cited above, and the potential for corruption, it is not clear how effective the law enforcement response to a report of child sex tourism might be. Post has reliable information about an incident of an Australian calling the tourism police number to report a possible Swiss pedophile at the local swimming pool, but receiving very little cooperation from the person answering the phone. It is unclear whether the telephone number will reach an English speaking officer on a regular basis, making it difficult for tourists to report suspicious activity by other tourists.

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XXVI: (U) PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

Most victims and witnesses are associated with trafficking cases involving criminal activity in Thailand. Although in theory the law

provides for privacy rights of victims and protection of witnesses, in practice that type of support is rarely relevant to Lao authorities.

-- B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

The MLSW and the Immigration Department, in cooperation with IOM, UNIAP, Village Focus (VFI), and AFESIP, work together to provide victims assistance. Women and children are the primary users of these facilities. The MLSW maintains a small transit center for that purpose in Vientiane. The transit center has assisted more than 1300 human trafficking victims since it opened in late 2001, including approximately 235 in 2008 and 21 in January 2009. Victims stay in the transit shelter for approximately one week, while officials attempt family assessments and counseling. Victims are asked whether they wish to return to their families or need additional time in a shelter. Very few victims request referrals to the LWU, VFI, or AFESIP shelters since they spend 5-8 months, on average, in a shelter in Thailand before being returned to Laos. GOL officials escort victims home when that is the choice made by the victims. Those victims not ready to return home are referred to the AFESIP shelters in Vientiane or Savannakhet, the VFI shelter in Pakse, or the LWU shelter in Vientiane for longer term care and vocational training. The LWU shelter for victims of domestic violence and trafficking opened in late 2005 with joint funding from UNICEF, the Japanese Government, and The Asia Foundation. It provided shelter and legal, medical, and counseling assistance to 48 women in 2007 and 40 in January/February 2008. Approximately one third were trafficking victims. Post is waiting for additional 2008 data. AFESIP opened its shelter in Vientiane in October 2006 and the Savannakhet shelter in October 2008, dedicated to providing longer-term shelter and counseling for victims of sexual exploitation, both domestic and those returned from abroad. That shelter assisted 27 victims as long-term residents in 2008. In addition, AFESIP conducted 121 reintegration assessments for the MLSW. The Village Focus shelter in Pakse opened in October 2008 and will also conduct vocational training classes and offer services to assist with reintegration, working with the Ministry of Education.

-- C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

Generally the government does not have the resources to provide extended care to trafficking victims beyond the basic services at

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the MLSW transit center, and so requests assistance from NGOs. When possible, the government does provide assistance in kind, for example, providing the land for the AFESIP shelter in Savannakhet. The LWU has a representative in every village in Laos and helps to monitor cases of victims returning home after staying in its shelter.

-- D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

Foreign trafficking victims are generally given basic social services assistance commensurate with that given to Lao victims. Norwegian Church Aid, for example, signed an MOU with the GOL in 2008 to help Vietnamese victims, using funding granted by the Embassy of Norway in Vietnam. That process is conducted jointly between Lao and Vietnamese authorities to return the victims in a safe and humane manner. World Vision and AFESIP have both assisted Vietnamese victims referred by the local police or MLSW during the reporting period.

-- E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

The LWU and AFESIP shelters all provide longer-term housing and vocational training. AFESIP and Village Focus both provide these services on behalf of the MLSW, using donor resources. The GOL does not have the funds to provide the services without assistance. Various donors have microfinance programs in addition to the vocational training. Save the Children Australia ran one such program in the north, Village Focus, World Vision and others operate similar programs in the south. (Note that 86% of the GOL budget is from development assistance.)

-- F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

Yes. The MLSW transit center receives victims from the immigration authorities, then refers identified trafficking victims to other shelters at the victim's request or if an assessment determines they cannot be sent home. The other shelters are operated by the LWU, AFESIP, or Village Focus. According to several NGOs, law enforcement authorities at the provincial levels have also referred cases of both domestic and international trafficking victims to their shelters or services.

-- G. What is the total number of trafficking victims identified during the reporting period? Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

In 2008, approximately 235 trafficking victims were returned to Laos from Thailand under the official repatriation mechanism and another 21 followed in January 2009. Trafficking victims are currently identified through a formal program with Thai authorities, whereby Thailand identifies the victims, provides initial shelter and some counseling, then repatriates them to Laos. IOM and the Lao Embassy in Bangkok facilitate the process. The victims spend a week at the transit center in Vientiane, then are returned home or referred to the LWU or AFESIP shelters. Domestic trafficking victims, such as girls found working in the "beer shops," can be referred to either shelter as well. The Village Focus shelter receives referrals from local authorities, other NGOs and from their own staff. Other foreign victims are sometimes referred to these shelters by local authorities as well. Local social services and police officials do not report how many domestic or foreign victims they refer to shelters to central government authorities.

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-- H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among

high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

The majority of trafficking victims are returned as such via a formal process established with Thai authorities. Lao law enforcement have received training on how to identify victims who are returning as migrants, but have very limited resources. In addition, Thai authorities routinely conduct "irregular" returns, in which they simply force groups of migrants across the border. These returnees may not come through a border checkpoint, so they are not available for any formal screening by immigration authorities. AFESIP and World Vision report that immigration authorities have occasionally called on their Savannakhet resources, shelter, or staff to assist a potential victim who was part of an "irregular" return through a border checkpoint.

-- I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

Officially-identified trafficking victims returned from Thailand through the formal process are neither jailed nor fined. They are placed in a transit shelter one week while officials and social services staff from the MLSW conduct assessments, then are returned home or sent to longer term shelters at the victims' request. The elimination of exit visas in January 2007 and the official elimination of the "fines" for returning migrants in 2005 have helped protect victims from legal prosecution. None of the organizations we spoke to could identify a specific instance of identified trafficking victims being forced to pay fines to local authorities for returning home. The MLSW and other GOL parties continue to instruct provincial authorities that they cannot fine returning trafficking victims or returning migrants. Post has heard anecdotally of cases of female victims of domestic trafficking simply "freed" from the bar owners and sent home, while the bar owners are apparently facing prosecution. There have been no attempts to prosecute or fine victims of domestic trafficking or sexual exploitation who have passed through either the AFESIP or LWU shelter.

-- J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

The GOL does encourage victims to cooperate with prosecutions, although several NGOs are working hard to ensure that victims are not "revictimized" by law enforcement pressure to cooperate with the judicial process. Other NGOs are encouraging Lao enforcement to gather more information from victims, leading some law enforcement officials to believe they are hearing contradictory "international standards." Laos has no victim restitution program. The GOL has no special program for witness protection, a matter of concern to the trafficking police, although the law calls for the protection of the victims' identities (see section 28, Law on the Protection of Women, Article 25, "Rights of Victims"). Since the majority of identified trafficking victims are returned from Thailand, law enforcement in Laos is not as concerned with witness protection. In theory, a trafficking victim could file a civil suit against a trafficker, although this has not been done in practice in Laos. Victims returned from Thailand have usually been interviewed by Thai police,

and a few have helped in the successful prosecution of their traffickers before returning to Laos. Access to legal redress is restricted by culture and lack of resources for both the victims and the legal community. Cases that do reach the prosecution stage in Laos are most likely the result of information from the victims or their families upon the victim's return home.

Most Lao, including trafficking victims, are not familiar with the use of court procedures to redress grievances of any kind. The legal aid clinic program run by the Lao Bar Association is working to teach people how lawyers can provide assistance. The Ministry of Justice is also working to disseminate information on this issue. Most Lao use mediation and arbitration through respected village leaders to settle disputes. NGOs report stories of victims asking for village leaders to intervene in local situations where brokers may have acted in bad faith, but those situations are often not reported to the authorities. With only 10,000 or so policemen in the entire country, many villages do not have local law enforcement personnel to even take reports, much less conduct thorough investigations. Many trafficking victims may not even know that legal avenues exist, which is why the LWU and other mass organizations expend so much effort on disseminating laws. During the reporting period, the LWU conducted training on the law on the rights of women and children in all 17 provinces.

In the case of the Vietnamese victims rescued by Savannakhet Anti-Trafficking Unit Police during the reporting period, the victims refused to testify against their traffickers, and were repatriated by provincial authorities.

-- K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

The government does provide training in all areas of the trafficking problem, supported by NGOs, international organizations, and regional bodies, although targeted toward specific at risk provinces. See paragraphs F, in Section XXV.

Representatives at Lao embassies abroad are also instructed in their duties to assist in repatriation of victims, as noted in Section 28 in the text of the Law on the Protection of Women. Lao representatives at the Embassy in Thailand, for example, work with IOM and the MLSW to repatriate Lao victims. The Lao Embassy in Bangkok has a special unit charged with assisting migrants and trafficking victims. Usually the unit provides documents for the repatriation, if necessary, and coordinates shelter and assistance with the authorities in Thailand. The unit has, on occasion, funded the return of truly destitute victims who are not returned via the Thai shelter/IOM mechanism. Officials from the Lao Embassy in Bangkok have also escorted returnees to Laos on some occasions, according to the MFA. The Thai Center for the Protection of Children's Rights (CPCR) and the Foundation for Women of Thailand have also been involved with this effort.

The MLSW has a unit dedicated to protecting children identified as trafficking victims, and both the AFESIP shelter and the LWU shelter have programs in place for younger children. Approximately 80% of the victims of human trafficking returned from Thailand in 2008 were under age 18.

-- L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

The government provides initial medical screening and counseling for victims in a transit shelter in Vientiane, as well as counseling,

medical services, vocational training, employment services, and ongoing monitoring to victims sent to the LWU shelter. AFESIP and Village Focus, under their MOUs, provide similar services and monitoring for the victims referred to its shelter. IOM and AFESIP, with assistance from MLSW, currently try to monitor victims reintegrated directly into the community after staying in the transit shelter. The LWU also does monitoring of former victims.

-- M. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

The GOL occasionally provides office space, land for shelters, and staff (usually MLSW or LWU) to assist in monitoring and assistance programs run by NGOs and IOs. The LWU shelter is staffed with LWU employees for example, but funded by outside organizations. The GOL does keep a close eye on NGOs working in victims' assistance as part of the overall effort to coordinate programs. MOUs are signed and workplans developed to meet the needs in particular provinces and among specific populations. To the extent its resources allow, the GOL does appear to provide or refer victims to appropriate organizations to get assistance.

The following IOs and NGOs work in Laos on trafficking issues: UNDP; UNICEF; UNIFEM; UNESCO; UNODC; UNFPA; ARTIP; Save the Children, Australia; Save the Children, Norway; Save the Children, UK; International Labor Organization; Norwegian Church Aid; World Vision; Asia Regional Cooperation to Prevent People Trafficking; World Education/Consortium; Village Focus International; IOM; Care, International; AFESIP; Childwise; Friends International; and Oxfam.

XXVII. (U) PREVENTION:

-- A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)

With NGO and donor funding, the GOL has sponsored media messages on the dangers of trafficking. The media, which is controlled by the government, includes articles on human trafficking in the newspapers 2-3 times per month.

Programs at the National University of Laos and "feature" articles in the press regularly warn young people of the dangers of trafficking. The MLSW also worked with UNICEF to set up awareness-raising billboards near border checkpoints and in Laos' larger cities. Many Lao schools, libraries, and public buildings also have posters on the dangers of trafficking. In December 2008, the Lao Youth Union and UNICEF held a day-long event with workshops, puppet shows, and plays to address child trafficking specifically. The event, led by the Deputy Prime Minister/Minister of National Defense, was covered widely in the Lao press, including radio, television, and print. The Deputy PM also specifically warned of the dangers of child sexual exploitation and domestic trafficking, showing that the government is beginning to focus on these problems in Laos. UNESCO and the Lao Youth Union collaborated on radio programs in Lao and minority languages on the dangers of trafficking during the reporting period, reaching students and young people outside the major cities.

In September 2008, the Ministry of Information and Culture approved a documentary on human trafficking created by MTV (with USAID funding), providing assistance in getting the film dubbed into Lao and gaining permission from the Steering Committee for airing in Laos. LaoStar Channel, a semi-private television company, then aired the MTV program repeatedly throughout the fall. In addition, a concert with leading Lao popstars was also aired with

anti-trafficking messages edited into the televised concert footage.
Copies of this production are being distributed throughout the

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country by NGOs and government officials alike. The GOL also aired the MTV film as part of its official program at the COMMIT SOM 6 summit in November 2008.

-- B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

The Government of Laos cooperates with IOM and United Nations agencies, particularly the UNIAP, to monitor, document, and suggest remedies for trafficking-related problems. In most places borders can be crossed easily by land or by boat, and the GOL has a very limited capacity to monitor border areas outside established immigration and customs posts. However, mapping of migration patterns and human trafficking has significantly improved in recent years. Since 2001, the MLSW, acting with international NGOs, has conducted data collection and simultaneous parallel public education campaigns.

-- C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

There are several mechanisms for coordinating anti-trafficking issues among agencies. The Ministerial Committee on Trafficking, established in 2004 as part of Laos' COMMIT commitment, is one such avenue and is designed primarily to coordinate among Lao government ministries. The Inter Agency Coordination Committee, chaired by UNIAP, includes any interested NGO or diplomatic community representative as well as representatives from the MFA, Ministry of Justice, MOPS, MLSW, and the Prosecutor's Office. This group meets approximately every 3-4 months to discuss new initiatives, share information, and request assistance from each other or a government ministry. (For example, NGOs are sharing phone numbers, brochures, and other materials that will be included in multi-agency "Safe Migration" kits for distribution in areas with at-risk populations and include information on how to identify trafficking risks and how to seek assistance, including telephone numbers in both Laos and Thailand. This initiative began in 2007 when three agencies learned that they were all working on contact information cards for those at risk, and is now a regular part of the UNIAP meetings.)

-- D. Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

The GOL is currently working with UNIAP to implement an action plan to address prevention, prosecution, protection, and reintegration for 2008 and 2009. NGOs were asked in January 2008 to fill in areas on the plan grid where they are currently working so the GOL can identify the gaps. The plan was highlighted again in November at the SOM 6 conference.

Any representative of a foreign embassy, NGO, or IO with an interest in trafficking was welcome at a series of open meetings on the draft NPA and could actively participate in working groups to establish the performance evaluation metrics that are included in the plan. Although the last country in the region to complete an NPA on human trafficking, Laos was apparently the first to include metrics for evaluation in its plan. According to the MLSW, the plan was approved by the National Assembly in October 2007 and is waiting final ratification by the Prime Minister's office, which is expected in early 2009. MFA officials told Emboff that the delay is caused by Cabinet concerns over whether Laos will have the budget to fully implement the NPA.

-- E: What measures has the government taken during the reporting period to reduce the demand for commercial sex

acts? (see ref B, para. 9(3) for examples)

The government's efforts to combat prostitution appear to be limited to law enforcement activity against owners and operators of venues and public awareness campaigns on child sexual exploitation (cited

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above). Police periodically move to shut down establishments, such as bars, nightclubs and discos, where prostitutes operate. Recently, small but targeted campaigns on HIV/AIDS have helped highlight the risks of the commercial sex trade in nightclubs, bars, and discos. Nevertheless, extreme poverty and lack of viable economic opportunities for young people ensure a perpetuation of prostitution service suppliers in spite of anti-prostitution laws and occasional government campaigns.

-- F. Required of all Posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

Laos has a national campaign to publicize the dangers of child sex tourism in Laos. Post has no reports of Lao nationals participating in child sex tourism abroad. See previous paragraphs detailing training sessions led by the Lao Tourism Authority; the posters and bumper sticker and signs warning of the problem in major tourist zones; and the telephone line set up by the Tourism Police (the latter of indeterminate value).

HUSO